

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I/We hereby declare that

This declaration is of the following type:

- ☒ original ☐ design ☐ supplemental
☐ national stage of PCT ☐ continuation ☐ continuation-in-part
☐ divisional

My residence, post office address and citizenship are as stated below next to my name. I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**FILM STRUCTURES AND PACKAGES THEREFROM
USEFUL FOR PACKAGING RESPIRING FOOD PRODUCTS**

the specification of which:

- ☐ is attached hereto.
☒ was filed on September 23, 2003 as Appln. No. 10/668,427 and was amended on _____ (if applicable).
☐ was described and claimed in PCT International Application No. _____ filed on _____ and was amended under PCT Article 19 on _____ (if any).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate or under 365(a) of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT International application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

| COUNTRY | APPLICATION | DATE OF FILING (day, month, year) | PRIORITY CLAIMED | | | |
|---------|-------------|--------------------------------------|------------------|-----|--|----|
| | | | | YES | | NO |
| | | | | YES | | NO |

I hereby claim the benefit pursuant to Title 35, United States Code, § 119(e) of the following United States provisional application(s):

| PRIOR U.S. PROVISIONAL APPLICATIONS CLAIMING THE BENEFIT UNDER 35 USC 119(e) | |
|---|-----------------------------------|
| APPLICATION NO. | DATE OF FILING (day, month, year) |
| | |

- ☐ Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) or 365(c) of any PCT international application(s) designating the United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

| PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT UNDER 35 USC 120 | | | | | |
|--|----------------------------|---|---------------------------|----------------|------------------|
| U.S. APPLICATIONS | | | Status (check one) | | |
| U.S. APPLICATIONS | U.S. FILING DATE | | PATENTED | PENDING | ABANDONED |
| 1. | | | | | |
| 2. | | | | | |
| 3. | | | | | |
| PCT APPLICATIONS DESIGNATING THE U.S. | | | Status (check one) | | |
| PCT APPLICATION NO. | PCT FILING DATE | U.S. SERIAL NOS. ASSIGNED (if any) | PATENTED | PENDING | ABANDONED |
| 4. | | | | | |
| 5. | | | | | |
| 6. | | | | | |

| DETAILS OF FOREIGN APPLICATIONS FROM WHICH PRIORITY CLAIMED UNDER 35 USC 119 FOR ABOVE LISTED U.S./PCT APPLICATIONS | | | | |
|--|----------------|------------------------|--|---|
| ABOVE APPLN. NO. | COUNTRY | APPLICATION NO. | DATE OF FILING (day, month, yr) | DATE OF ISSUE (day, month, yr) |
| 1. | | | | |
| 2. | | | | |
| 3. | | | | |
| 4. | | | | |
| 5. | | | | |
| 6. | | | | |

I hereby appoint Joseph H. Paquin, Jr. (Reg. No. 31,647), Margaret M. Duncan (Reg. No. 30,879), John G. Bisbikis (Reg. No. 37,095), Matthew E. Leno (Reg. No. 41,149), Stephen T. Scherrer (Reg. No. 45,080), Patrick D. Richards (Reg. No. 48,905) and Gilberto Hernandez (Reg. No. 46,483) members of the bar of the State of Illinois, and Joy Ann G. Serauskas (Reg. No. 27,952) of the firm McDermott, Will & Emery using the address 227 West Monroe Street, Chicago, Illinois 60606-5096 (Telephone 312/372-2000), my attorneys and/or agent, with full power of substitution and revocation, to prosecute this application, and to transact all business in the Patent and Trademark Office connected therewith. It is requested that all correspondence be directed to:

Joy Ann G. Serauskas
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor: Jay D. Hodson

Inventor's Signature: Jay D. Hodson

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